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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,214	02/17/2004	Nadia Afi Edoh		2213
7590	08/05/2005		EXAMINER	
NADIA EDOH 31 PINGRY WAY AYER, MA 01432			BALSIS, SHAY L	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/708,214	EDOH, NADIA AFI
	Examiner	Art Unit
	Shay L. Balsis	1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 May 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Perez (USPN 5720048).

Perez teaches a rubber waterproof glove (10) comprising a palm portion, a plurality of thumb and finger stalls and a back portion. There are scrubbing bristles covering the entire surface of the glove including the palm portion, finger stalls (col. 2, lines 11-13). The bristles are short and firm made from an elastomeric or plastic material.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Borucki-Mastej (USPN 6000060).

Borucki-Mastej teaches a latex waterproof glove (10) comprising a palm portion, a plurality of thumb and finger stalls and a back portion (figure 1, col. 2, lines 31-36). There are scrubbing bristles covering the entire surface of the glove including the palm portion, finger stalls. The bristles are made from a synthetic fiber of some sort.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perez or Borucki-Mastej.

Perez or Borucki-Mastej disclose all the essential elements of the claimed invention however, the references fail to teach that the bristles have a length of 0.1 to 20 mm, preferably 1 to 10 mm. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a bristle that is 1-10 mm long because Applicant has not disclosed that length of the bristles provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the lengths as taught by Perez or Borucki-Mastej or the claimed 1-10 mm length because both lengths perform the same function of cleaning equally well. Therefore, it would have been obvious to one of ordinary skill in the art to modify Perez or Borucki-Mastej to obtain the invention as specified in claim 4.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perez in view of Piantedosi (USPN 5419014) or Borucki-Mastej in view of Piantedosi (USPN 5419014).

Perez or Borucki-Mastej disclose all the essential elements of the claimed invention however, the references fail to teach that the bristles have a length of 0.1 to 20 mm, preferably 1 to 10mm. Piantedosi teaches a waterproof glove comprising bristles extending for the front

surfaces of the palm and the finger stalls. The bristles are 2.53 mm-3.2mm long. It would have been obvious to use the bristle length as taught by Piantedosi for the length of the bristles on Perez or Borucki-Mastej since anything longer or shorter than that would not provide good cleaning results.

Response to Arguments

Applicant's arguments, see page 3, filed 5/25/05, with respect to Carr (USPN 5765252) and Guzman (USPN 6016571) have been fully considered and are persuasive. The rejections of Carr and Guzman have been withdrawn.

Applicant's arguments filed 5/25/05, with respect to Perez (USPN 5720048) and Borucki-Mastej (USPN 6000060) have been fully considered but they are not persuasive.

In response to applicant's argument that all the prior art references "have limitations which do not allow these patents to effectively nor efficiently meet the intended uses or purposes of my invention", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

Applicant argues that Perez does not have bristle coverage on along the tips and sides of the finger stalls. However after further reading the patent specification it is clearly stated that the bristles may be on the entire exterior part of the fingers or may be on all of the fingers or even

the entire exterior of the glove (col. 2, lines 11-13). Therefore, the patent to Perez does teach that the bristles could be located on the finger stalls and finger tips since those surfaces are on the exterior part of the fingers.

Applicant argues that Borucki-Mastej does not teach bristle coverage along the tips and sides of the finger stalls as well as on the palm surface of the glove. However figure 1 clearly shows that the bristles are located on the entire exterior surface of the glove. The reference teaches that the entire outer surface area of the glove including the cavities which form finger are coated with an abrasive material (col. 2, lines 27-36). Bristles are a form of an abrasive material.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MARK SPISICH
PRIMARY EXAMINER
GROUP 3400

1700

Slb
7/25/05